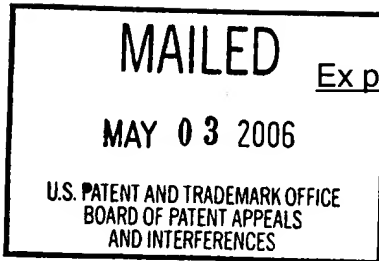


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte MARTIN FRANZ & PEDER ANDREAS OLSEN

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Application No. 09/782,434

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received at the Board of Patent Appeals and Interferences on April 5, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below:

On page 1 of appellants' brief, appellants state that "... the Claims Appendix lists claims 3, 4, 7 correctly depending from claim 1, instead of claim 2." On page 3 of examiner's answer, the examiner states that "[t]he copy of the appealed claims contained in the Appendix to the brief is correct." However, the amendment after final filed August 12, 2004, was not entered by the examiner. Therefore the claims currently present in the application are the claims listed in the amendment filed April 12, 2004.

Application No. 09/782,434

Appropriate correction is required.

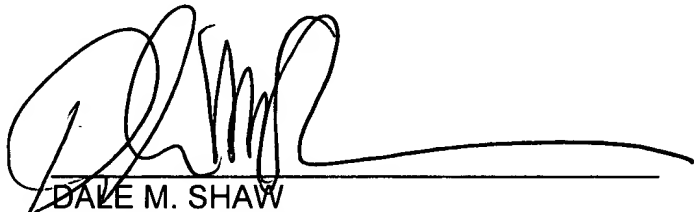
Accordingly, it is

ORDERED that the application is being returned to the Examiner to

- 1) notify appellants that the Appeal Brief filed January 5, 2005 is defective;
- 2) have appellants file a corrected Appeal Brief; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

A handwritten signature in black ink, appearing to read 'DMS', is written over a horizontal line.

DALE M. SHAW

Program and Resource Administrator  
(571) 272-9797

cc: F. CHAU & ASSOCIATES, LLC  
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DMS/vsh